S.B. Civil Second Appeal No.480 Of 1998.

Nagar Nigam, Jaipur & Others Vs. Lallu Lal

Date Of Order ::: 13.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Manoj Sharma, Counsel for defendant-appellants.
Mr. J.P. Goyal, Counsel for plaintiff-respondent

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondent filed a suit for specific performance, which was dismissed by the Lower Court. However, on an appeal filed on behalf of the plaintiff, the learned First Appellate Court allowed the appeal and decreed the suit of the plaintiff. Being aggrieved with the same, the defendants have preferred this second appeal.

I have considered the submissions of learned counsel for both the parties in the light of the finding of the learned First Appellate Court and after considering their submissions as well as the finding of

the First Appellate Court, I am of the view that the controversial issues involved in the present case are relating to the question of facts and there is finding of fact recorded by the First Appellate Court, which cannot be interfered with by this Court in this second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.